

OFFICIAL COPY

Fresno, California

February 8, 2000

The City Council met as the Redevelopment Agency at the hour of 9:17 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President (Arrived at 10:06 a.m.)
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Cindy Hamby, Deputy City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Bernard Guekguezian, First Armenian Church, gave the invocation.

Councilmember Perea led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF AMERICAN HEART MONTH - MAYOR PATTERSON AND CITY COUNCIL

RESOLUTIONS OF COMMENDATION TO THE AFRICAN-AMERICAN PORTRAITS OF SUCCESS
HONOREES FOR THE YEAR 2000 - COUNCILMEMBER RONQUILLO

PROCLAMATION OF ACTS OF KINDNESS WEEK

Councilmember Ronquillo left briefly at 9:42 a.m. and returned at 9:50 a.m. Councilmember Mathys left at 9:53 a.m. and returned at 9:57 a.m.

PRESENTATION OF STUDENT OF THE QUARTER AWARDS - COUNCILMEMBER PEREA

PROCLAMATION OF RAFAEL SILVA GARCIA DAY - COUNCILMEMBER MATHYS

PROCLAMATION OF FRESNO STATE'S NATIONAL GIRLS AND WOMEN IN SPORTS DAY
1. PROCLAMATIONS TO FRESNO AREA HIGH SCHOOLS OUTSTANDING FEMALE ATHLETES -
MAYOR PATTERSON AND CITY COUNCIL

The above proclamations, resolutions and awards were read and presented.

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RECESS - 10:10 A.M. - 10:21 A.M. Councilmembers Ronquillo, Perea and Acting President Bredefeld arrived for later.

APPROVE MINUTES OF FEBRUARY 1, 2000

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of February 1, 2000, approved as submitted.

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APPROVE AGENDA:

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Mathys, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Perea, Ronquillo

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ADOPT CONSENT CALENDAR:

(1A-1) * RESOLUTION NO. 2000-36 - 4TH AMENDMENT TO SALARY RES. 99-175 INCREASING THE CITY ATTORNEY'S SALARY BY 5%

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-36 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	Perea

(1A-3) AWARD A CONTRACT TO BVI CONSTRUCTION IN THE AMOUNT OF \$298,700 TO CONSTRUCT THE RIVERSIDE GOLD COURSE CART BARN

(1A-4) SUBMISSION FOR INFORMATIONAL PURPOSES OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORTS ("CAFR") REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENT SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 1999

(1A-5) * RESOLUTION NO. 2000-37 - 71ST AMENDMENT TO AAR 99-181 APPROPRIATING \$14,000 UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT FOR THE REPLACEMENT OF SIXTH (60) BALLISTIC VESTS

(1A-6) DETERMINING THAT MORFAB IS NON-RESPONSIVE TO THE SPECIFICATIONS; AND AWARD A CONTRACT TO U.S. FILTER WESTATES IN THE AMOUNT OF \$386,926.05 FOR SIX (6) GRANULAR ACTIVATED CARBON (GAC) VESSELS

(1A-7) * RESOLUTION NO. 2000-38 - 74TH AMENDMENT TO AAR 99-181 APPROPRIATING \$36,000 FOR THE REPAIR OF THE CALIFORNIA AVENUE OVERHEAD AT GOLDEN STATE BOULEVARD

On motion of Councilmember Mathys, seconded by Quintero, duly carried, RESOLVED, the remainder of the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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(9:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-23, REZONING APPLICATION NO. R-99-36, CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-99-153 AND ENVIRONMENTAL FINDINGS, FILED BY STERLING SWARTOUT, PROPERTY LOCATED THE SOUTHWEST CORNER OF N. WEST AND W. HERNDON AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT (E.A.)/MITIGATED NEGATIVE DECLARATION NO. A-99-23, R-99-36, C-99-153

2. RESOLUTION NO. 2000-39 - AMENDING THE BULLARD COMMUNITY PLAN

3. BILL NO, B-12 - ORDINANCE NO. 2000-15 - AMENDING THE OFFICIAL ZONE MAP TO REZONE 5/74 ACRES FROM R-1-B/UGM/CZ AND C-P/EA/UGM/CZ TO C-P/EA/UGM/CZ, AND REZONE 1.87 ACRES FROM C-1/EA/UGM/CZ AND C-P/EA/UGM/CZ TO C-1/EA/UGM/CZ

4. RESOLUTION NO. 2000-40 - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-99-153

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

A motion was made by Councilmember Quintero to approve the Plan Amendment and Rezoning Application and acted upon after brief discussion.

Councilmember Mathys thanked staff, stated there was a need for a left-hand turn signal at West and Herndon Avenues and appreciated the fact the developer and business owners mitigated the traffic problem.

Acting President Bredefeld questioned whether any neighbors opposed the project and expressed concern for the failure of the project several years ago with Planning Manager Beach responding.

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of the Mitigated Negative Declaration for Environmental Assessment No. A-99-23, R-99-36, C-99-153, hereby approved; the above entitled Resolution Nos. 2000-39 and 2000-40 adopted; and the above entitled Bill No. B-12 adopted as Ordinance No. 2000-15, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 17 - TRACT NO. 4582

1. RESOLUTION NO. 2000-41 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2000-42 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2000-43 - DECLARING ELECTION RESULTS

4. * BILL NO. B-13 - ORDINANCE NO. 2000-16 - LEVYING A SPECIAL TAX WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 17, CITY OF FRESNO, CALIFORNIA

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-41, 2000-42 and 2000-43 hereby adopted, and the above entitled Bill No. B-13 adopted as Ordinance No. 2000-16, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	None

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(10:15 A.M.) UPDATE ON THE WORKFORCE DEVELOPMENT BOARD - COUNCILMEMBER PEREA

Councilmember Perea gave an update of the Workforce Development process, stated the community had approximately \$43,000 to use for job training, and noted the County of Fresno applied to the State to become the sole designee and a couple of weeks ago the State did designate the County of Fresno to be the primary provider of job training in the future.

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(10:20 A.M.) APPEARANCE BY JUAN "HOMER" LEIJA TO DISCUSS OPPOSITION TO PROPOSITION 21, THE GANG VIOLENCE AND YOUTH CRIME PREVENTION ACT

Juan Homer Leija reviewed Proposition 21, stated the proposition, if passed, would do much damage to the youth in the community, and requested a resolution be adopted on behalf of the City in opposition. Mr. Leija stated the safety of the young people was to make sure they did not get lost in the adult system of the courts.

Speaking in opposition to Proposition 21 were: Robert Lopez, 633 N. Van Ness; Claudia Soria-Delgado, 1827 E. Trenton; Emily Rauer, 1105 E. Franklin Avenue; Alice Traumbal, 431 E. Escalon; Andrew Jones, 5243 N. Fresno St., Apt. 202; Roger Palomino, and Rudy Marez, 6162 N. Palm Avenue.

Councilmember Bredefeld stated the resolution was a good prevention act; noted once a person entered into the threshold of committing serious felonies and murders was when prevention needed to stop; and stated consequences had to play a role and elaborated.

Councilmember Ronquillo stated, for the record, that for at least five years, the majority of the Council has redirected funds from social services to provide funding to programs such as Boys and Girls Club, Youth Gang Outreach, Cornerstone Gangs, Hope Now For Youth, House of Hope, stated this Council had done a lot with the limited funds available. Councilmember Bredefeld left the meeting at 10:53 a.m. and returned at 11:05 a.m. Councilmember Steitz left the meeting at 10:58 a.m. and returned at 11:03 a.m.

Councilmember Perea stated he approved of the majority of the legislation but expressed concern that it did not do a good job defining gang member, and stated he would support a resolution against Proposition 21 with modifications. (3-0) Councilmember Ronquillo recommended working with Mr. Leija to modify the resolution with Councilmember Perea concurring. Councilmembers Perea and Ronquillo left the meeting at 11:03 a.m. Councilmember Perea returned at 11:05 a.m. and Councilmember Ronquillo returned to the meeting at 11:10 a.m.

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(10:25 A.M.) APPEARANCE BY BARBARA HUNT REGARDING THE POLICE DEPARTMENT

Not present when called.

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(10:30 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-16, REZONING APPLICATION NO. R-99-25, AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO PUBLIC WORKS DEPARTMENT, PROPERTY LOCATED ON THE WEST SIDE OF S. WEST AVENUE BETWEEN W. JENSEN AND W. NORTH AVENUES, RELATIVE TO THE CLOSURE OF THE CITY LANDFILL AND DEVELOPMENT OF A REGIONAL PARK AND SPORTS CENTER

- 1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-16, R-99-25**
- 2. RESOLUTION NO. 2000-44 - AMENDING THE EDISON COMMUNITY PLAN**
- 3. BILL NO. B-14 - ORDINANCE NO. 2000-17 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM, AE-20/UGM, AE-20 AND AL-20 (COUNTY) TO O/UGM/CZ**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-99-16, R-99-25, C-99-111 hereby approved; the above entitled Resolution No. 2000-44 adopted; and the above entitled Bill No. B-14 adopted as Ordinance No, 2000-17, by the following vote:

Ayes	:	Mathys, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Perea, Ronquillo

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(11:00 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF AN EASEMENT FOR CONSTRUCTION OF N. SAN PABLO AND ACQUISITION OF A REMNANT PARCEL IN CONJUNCTION WITH THE DEVELOPMENT OF UGM AGREEMENT NOS. S-98-343 AND D-99-160

1. * **RESOLUTION** - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE CONSTRUCTION OF A PORTION OF N. SAN PABLO IN CONJUNCTION WITH THE DEVELOPMENT OF UGM AGREEMENTS S-98-343 AND S-99-160, THAT THE ACQUISITION OF AN EASEMENT IS NECESSARY FOR THE PROJECT, AND AUTHORITY FOR ACQUISITION OF THE REMNANT

2. * **RESOLUTION** - 72ND AMENDMENT TO AAR 99-181 APPROPRIATING \$22,000 FOR THE ACQUISITION OF RIGHT-OF-WAY FOR N. SAN PABLO NORTH OF W. ALLUVIAL AVENUE (TRANSFERRING FUNDS INTO A CAPITAL PROGRAM ACCOUNT SO STAFF TIME AND DEPOSITS CAN BE MADE)

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Real Estate Supervisor Balch reviewed the history of the project, requested Council approve the resolutions which would allow the property to be acquired through eminent domain and appropriate the necessary funds to purchase the property.

Richard Fairbank, representing the Developer, Mr. Dewayne Zinkin, spoke in support of the resolutions and reviewed and commented on several findings.

Mike Chielpegian, 5200 N. Palm Avenue, Suite 201, Attorney representing the land owner of Blackstone Venture One, discussed three requirements that had not yet been met, stated the land owner would be willing to sell but wanted a fair price for the property, and discussed the width of the street and price of the land.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Mathys questioned the difference of the price being asked versus the price being offered for the property with brief discussion ensuing. Councilmember Mathys recommended the hearing be continued one week in order for the parties to negotiate.

On motion of Councilmember Mathys, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled hearing to consider a resolution of public use and necessity for acquisition of an easement for construction of N. San Pablo and acquisition of a remnant parcel in conjunction with the development of UGM Agreement Nos. S-98-343 and D-99-160 hereby continued to 2/15/2000 @ 11:00 a.m., by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Bredefeld, Steitz
Absent	:	None

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(3A) * BILL NO. B-9 - ADDING A NEW ARTICLE 19 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE ESTABLISHING A FRESNO CLEAN AIR ADVISORY COMMITTEE; THE COMMITTEE WILL BE RESPONSIBLE FOR DEVELOPING AND RECOMMENDING STRATEGIES THAT WILL BE USED TO IMPROVE AIR QUALITY IN THE CITY OF FRESNO AND THE SAN JOAQUIN VALLEY

1. BILL NO. B-15 - (FOR INTRODUCTION, WITH MODIFICATIONS) - ADDING A NEW ARTICLE 19 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE ESTABLISHING A FRESNO CLEAN AIR ADVISORY COMMITTEE; THE COMMITTEE WILL BE RESPONSIBLE FOR DEVELOPING AND RECOMMENDING STRATEGIES THAT WILL BE USED TO IMPROVE AIR QUALITY IN THE CITY OF FRESNO AND THE SAN JOAQUIN VALLEY

Acting President Bredefeld left the meeting at 10:53 a.m. and returned at 11:05 A.M.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, and the above entitled Bill No. B-15 introduced and laid over, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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(5A) APPROVE EXTENSION OF APPOINTMENT TO JUNE 30, 2000, OF PAUL BESSELIEVRE, JR. TO THE FRESNO WORKFORCE DEVELOPMENT BOARD - ACTING PRESIDENT BREDEFELD

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the extension of appointment to 6/30/00, of Paul Besselievre, Jr. to the Workforce Development Board hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5B) * RESOLUTION NO. 2000-45 - 73RD AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF DISTRICT 7's AND \$1,000 OF DISTRICT 3's GENERAL FUND INFRASTRUCTURE BUDGETS TO ASSIST THE FRESNO COUNTY OFFICE OF EDUCATION WITH CONVENTION CENTER FEES FOR THE NAMES MEMORIAL QUILT SCHEDULED FOR APRIL 2000 - COUNCILMEMBERS PEREA AND RONQUILLO

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-45 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5C) SET HEARING FOR FEBRUARY 29, 2000, AT 10:00 A.M. TO NAME THE PARK AT MAPLE AND SHEPHERD AVENUES IN DISTRICT 6 AS THE “SELMA M. LAYNE PARK” - ACTING PRESIDENT BREDEFELD

On motion of Acting President Bredefeld, seconded by Councilmember Mathys , duly carried, RESOLVED, a hearing set for February 29, 2000, at 10:00 a.m. to name the park at Maple/Shepherd the “Selma Layne Park”, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5D) REQUEST THE CITY MANAGER OR HIS DESIGNEE TO DIRECT STAFF TO RETURN WITH ALL APPROPRIATE DOCUMENTS TO CREATE A ZONE DISTRICT(S) FOR VARIOUS RECYCLING ACTIVITIES - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo gave an overview of the new legislation on the diversion of recycling activities throughout the State of California and displayed several pictures of property located at 3077 Golden State Blvd., a heavy industrial site for recycling; explained complaints received; and requested a meeting with the City Manager and City Attorney within two weeks to prepare necessary documents to bring back to Council.

A motion was made by Councilmember Ronquillo to request the City Manager to begin within two weeks the preparation of the necessary documents to create a zone district(s) for various recycling activities, which motion was voted upon after brief discussion.

Assistant City Attorney Avila clarified to process of creating a zone district stating it would be started by a resolution of initiation and by initiating the environmental analysis for the text amendments and would then return to Council for approval. Brief discussion ensued regarding recyclable trailers set up in shopping centers.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, request the City Manager or his designee to direct staff to return with all appropriate documents within two weeks to create a zone district(s) for various recycling activities, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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U.S. DEPARTMENT OF JUSTICE TO UNDERTAKE THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

1. * **RESOLUTION NO. 2000-46** - 70TH AMENDMENT TO AAR 99-181 APPROPRIATING \$89,300 FOR THE FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

2. * **RESOLUTION NO. 2000-47** - 8TH AMENDMENT TO PAR 99-182 ADDING ONE POSITION NE4EDED TO MEET SECRETARIAL REQUIREMENTS OF THE RECENTLY ADDED POSITION OF THE ASSISTANT CHIEF OF POLICE

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-46 and 2000-47 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5E) RESOLUTION - SUPPORTING NEW COUNCIL DIRECTION REGARDING EXPENDITURE OF NEW MEASURE “C” DOLLARS BY SHIFTING PRIORITIES FROM FREEWAYS AND HIGHWAYS TO FRESNO NEIGHBORHOODS AND OTHER ALTERNATIVE TRANSPORTATION NEEDS - COUNCILMEMBER PEREA

Councilmember Perea requested the above listed resolution be laid over three weeks, and stated Measure “C” should be on the ballot this November and COG was currently working on a voters opinion survey with information people want to start shifting funds from freeways to fixing more neighborhoods.

Councilmember Ronquillo stated the original dollars in Measure “C” were very flexible, and stated the City could have slowed down the \$90 million north of Herndon on 168 and spread the dollars out more on Freeway 180 east and west, with City Manager Reid responding.

Extensive discussion ensued regarding the need to coordinate activities years before the money would be spent and on the need to prioritize projects.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the above listed Resolution laid over to 2/29/2000, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(6A) RESOLUTION - APPLYING TO THE FRESNO LOCAL AGENCY FORMATION COMMISSION

(LAFCO) IN THE MATTER OF THE PROPOSED INTERNATIONAL-MAPLE NO. 4
REORGANIZATION

Council President Boyajian requested the above matter be considered in the afternoon due to a prior commitment made to accommodate the applicant. By Council consensus, the matter laid over to the afternoon session..

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LUNCH RECESS - 11:50 A.M. - 2:25 P.M. Councilmember Mathys was absent and arrived for closed session

(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1A-2) AWARD A CONTRACT FOR CONSTRUCTION OF TWO NEIGHBORHOOD PARKS: THE MAPLE/SHEPHERD PARK AND THE DANTE/ALLUVIAL PARK

Acting President Bredefeld asked that staff make sure the concrete sign at the Maple/Shepherd park reads “Selma Layne Park” when it is built/poured, with Parks & Recreation Director Primavera consenting and adding the sign would not be constructed until Council takes action at the related February 29th hearing to name the park. A motion and second was made to award the contract. Upon question of Councilmember Perea, Mr. Primavera stated additional staffing for parks maintenance would be addressed during budget hearings.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a contract to construct the Maple/Shepherd and Dante/Alluvial Neighborhood Parks hereby awarded to American Paving Co. for the Base Bids plus all Additive Alternates in the amount of \$2,126,092.50, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(6A) * RESOLUTION NO. 2000-48 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED INTERNATIONAL-MAPLE NO. 4 REORGANIZATION

Planning Manager Haro briefly reviewed the issue and staff report as submitted.

Applicant Gary McDonald gave an overview of the issue and requested Council’s approval.

Brief discussion ensued with Mr. Haro and Development Director Yovino responding to questions relative to annexation process, appeals, and appropriateness of moving forward, and with Acting President Bredefeld stating his opposition and Councilmember Ronquillo stating his support for the annexation and related project.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-09, R-99-18, TT-4884 and C-98-263 that the reorganization will not have a significant adverse effect upon the environment hereby approved, and the above entitled Resolution No. 2000-48 hereby adopted by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Boyajian
Absent	:	Mathys

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(2:00 P.M.) CLOSED SESSION:

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(“D”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9K SUBDIVISION (a) - CASE NAME: NOTTOLI CMC V. CITY OF FRESNO, CITY COUNCIL, REDEVELOPMENT AGENCY, COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA, RPI

Laid over one week.

REGULAR CLOSED SESSION OF THE CITY COUNCIL:

(“A”) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATION: CFPEA MOU RATIFICATION

(“B”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9K SUBDIVISION (a) - CASE NAMES:

1. FRESNO SUPREME V. CITY V. SPANO
2. MYRNA LORAN V. CITY OF FRESNO, ET AL.
3. SPANO V. CITY V. SPANO

(“C”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

1. CLAIM OF ROSALIE RAMIREZ
2. CLAIM OF MICHAEL W. GOLDEN; CLAIM OF JESSICA H. GOLDEN; CLAIM OF JACOB C. GOLDEN; AND CLAIM OF HEIDI J. MILLER

The Council met in closed session in Room 2125 with all members present at the hour of 2:45 p.m. to consider the above issues and reconvened in regular open session at 3:20 p.m.

CLOSED SESSION ANNOUNCEMENT

(5 - 0) City Attorney Montoy announced in the matters of **“C-1”**, Claim of Ramirez, and **“C-2”**, Claims of Golden and Miller, the Council voted 7-0 to deny the claims.

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(2:45 P.M.) APPROVE A LEASE AGREEMENT WITH 20TH CENTURY ELKS FOR PROPERTY LOCATED AT 1231 VAN NESS AVENUE, AND AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS, IF NECESSARY, AND EXECUTE THE AGREEMENT - COUNCILMEMBER RONQUILLO

1. APPEARANCE BY 20TH CENTURY ELKS REPRESENTATIVES

Briefly reviewed by Councilmember Ronquillo who noted the City was losing money with the vacant building and the Elks were ready and willing to lease it.

Carlton Lockett, 20th Century Elks, reviewed the issue stating a lease was prepared and sent to them back in October requesting signatures, expressed his frustration and concern with the length of time that had transpired with no results, questioned why they were not able to lease the building and requested Council approve the lease.

Councilmember Ronquillo made a motion to approve the lease contained in the agenda packet subject to the City Attorney's approval, which was seconded by Councilmember Perea. Upon question of Councilmember Mathys, City Attorney Montoy advised she had not yet had an opportunity to review the lease. Councilmember Mathys stated the Elks deserved a response, emphasized they were ready and willing to locate downtown, and expressed his support for approving the lease.

Councilmember Perea questioned if it was proper to proceed, with Ms. Montoy stating she did not feel this was the proper way to negotiate but the decision was Councils. Councilmember Perea withdrew his second to the motion and recommended the lease be referred back to staff for review. Councilmember Ronquillo expressed his frustration with delaying the matter any further reiterating this had been going on since last October.

Councilmember Quintero commented on the issue and stated what was really frustrating was his bringing an issue last year to Council relative to the Police and Sheriff's Associations' desire to purchase the building only to be told the building was planned for another use, with City Manager Reid advising that request related to the City's records center which was another part of the building and explained. Mr. Reid continued and apologized to the Elks, noted the lease had been prepared by real estate staff and had not gone through his office for review, requested an opportunity to negotiate a fair rental, and recommended Council just approve the lease if they wanted the old terms as an appraisal was not needed with the old terms.

Councilmember Quintero stated he wanted to see negotiations with the Police/Sheriff's Associations per their prior request. Upon question, Ms. Montoy advised options being discussed were: (1) approving the lease in the packet subject to City Attorney approval; and (2) directing staff to review the matter further and return with a report in two weeks. Upon request of Councilmember Quintero, Economic Development Coordinator Webster advised of plans for the building.

Councilmember Ronquillo made a motion, which was seconded by Councilmember Mathys, to direct the City Attorney to review the lease and bring it back in one week for approval. Brief discussion ensued on clauses in the lease relative to responsibilities of the City, if staff had conducted any type of an analysis on the lease, and tabling the matter for a staff report.

Councilmember Steitz offered a motion to table the matter one week to allow for a staff review and analysis on the lease, which motion was seconded by Councilmember Quintero. Councilmember Ronquillo advised his motion called for the same thing clarifying it would direct the City Attorney and City Manager to review the lease and report back on it in one week, whereupon Councilmember Steitz withdrew his motion at this time. Councilmember Perea stated he wanted to see cost figures first relative to the City's obligations and he could not support the motion.

A motion of Councilmember Ronquillo, seconded by Councilmember Mathys, to direct the City Attorney and City Manager to review the lease and bring it back in one week for approval failed, by the following vote:

Ayes	:	Mathys, Ronquillo
Noes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Absent	:	None

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the matter tabled one week to allow staff to review the lease, provide an analysis, and report back on the issue, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes : Mathys, Ronquillo
Absent : None

Elks Attorney Laurence Meyer submitted his business card to the City Attorney and requested he be contacted if any problem issues arise.

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(3:00 P.M.) REQUEST THE CITY MANAGER OR DESIGNEE TO BEGIN NEGOTIATIONS WITH THE BULLARD BAMBINO BASEBALL LEAGUE TO CONVERT THE BLOSSER PROPERTY LOCATED AT THE SOUTHWEST CORNER OF BRAWLEY AND HERNDON AVENUES INTO A BASEBALL PARK - COUNCILMEMBER MATHYS

Councilmember Mathys gave a brief overview on the history and status of the property, noted there was a real need in the community for activities for youth and the Bullard Bambino League was requesting a long-term lease on the subject property to make improvements and develop a baseball park, and expressed his support advising a vote in support would allow negotiations to begin and hopefully result in a lease in the future.

Speaking in support of the proposal were: Dirk Poeschel, Volunteer, Bullard Bambino Baseball League (BBBL), who also spoke to specifics of the issue and displayed a map of the proposed project; William Gregory, 7394 McCampbell Drive, Sierra Sky Park Property Owners Association; and Mr. Bakman. Upon the request of Councilmember Mathys, City Clerk Klisch read a letter from Senator Jim Costa in support of the proposal, a copy of which was entered into the record and is on file in the office of the City Clerk.

A motion and second was made to approve the request as outlined above, which motion was subsequently amended and acted upon.

Mr. Poeschel responded to questions of Councilmember Perea relative to the restricted area of the property and if it was an issue with the Airport Land Use Commission (ALUC). Councilmember Perea stated he supported additional park space for children but he had a problem with the way this issue was brought forth; noted Council previously gave clear direction to sell the property; advised talks were currently ongoing to trade river bottom land for this property; and recommended the issue be referred to the City Manager to report back on the best use of the property and stated he would not support the motion.

Acting President Bredefeld commented on the Riverpark Little League complex and stated he would assist the BBBL 100% and felt the City would also assist financially and with the ALUC and explained; stated he felt this request was premature as there was currently an offer on the land; and recommended the City Manager get involved in the issue and report back in 30 days with a progress report which would allow the BBBL to meet with neighborhood groups and the ALUC the interim. Mr. Poeschel responded briefly to questions of Councilmember Ronquillo relative to the value of the land, responsibility for park maintenance, amount of off-site improvements to be made and costs, and entering into a public-private partnership.

(6 - 0) On motion of Councilmember Mathys, seconded by Councilmember Mathys, duly carried, RESOLVED, the matter referred to the City Manager to report back in 30 days on the request and on all options for the entire piece property, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(3:30 P.M.) WORKSHOP AND REPORT ON THE CONVENTION CENTER, SELLAND ARENA, AND RENOVATION OF THE OLD EXHIBIT HALL - COUNCILMEMBER PEREA

Convention Center Director Valdez reviewed the staff report as submitted stating staff was in agreement with The Taylor Group's study which was in line with the Convention Center Master Plan, and advised the study did not address a future hotel as staff felt a hotel study had already been conducted, or a funding source for the upgrades.

Russ Taylor, Taylor Group Architects, summarized the separate projects for Selland Arena work, grand ballroom (old Exhibit Hall), north grand ballroom atrium, and parking structure, and along with Economic Development Coordinator Webster responded to questions of Councilmembers Mathys and Ronquillo relative to total project costs, funding source, and expanding the blueprint to include a future hotel on the Ophelia property with a connection to the Saroyan Theater. Councilmember Ronquillo requested the hotel be included as an addendum to the report.

Councilmember Perea emphasized the convention center needed to be modernized to compete with the Save Mart Arena and questioned what was necessary to issue bonds to pay for the upgrades, with City Manager Reid stating Council first needed to prioritize the projects and then determine bonding capacities. Councilmember Perea advised his priorities were the Exhibit Hall and parking structure, questioned the cost for those two projects and what the next step would be to move forward, with Mr. Taylor and Mr. Webster responding, and directed staff to report back in a couple of weeks with a timeline and on costs and the process so that Council could take action to move forward. Mr. Webster advised an appropriation resolution would first need to come before Council appropriating funds in order for the architect to proceed.

Mr. Reid advised the Redevelopment Agency was involved in a project south of the Selland Arena with Gunner-Andros with the potential for a parking facility, and recommended the Agency be included in the matter and provide a report on the status of those negotiations, possible tax increment, and marrying parking structure design features of both projects. Brief discussion ensued on the parking structure.

By Council consensus, the matter was set for joint Council/Agency consideration on February 29th.

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(4:00 P.M.) BILL NO. B-11 - ORDINANCE NO. 2000-18 - PROHIBITING A REQUIREMENT FOR PROJECT LABOR AGREEMENTS AND OTHER TYPES OF PRE-HIRE AGREEMENTS ON PUBLIC WORKS CONTRACTS

Attorney Jack Davis, 595 Market St., S.F. representing the unions, spoke in opposition to the ordinance stating it was unlawful and requested Council reject the ordinance outright *or* table the matter for at least 12 months.

the City of Fresno, as an owner of public works projects, was not going to require project labor agreements (PLA's); further clarified it would be unlawful if it prohibited everyone in this jurisdiction-- the entire city-- from engaging in PLA's; and added it was *not* prohibiting contractors or subcontractors from engaging or participating in PLA's.

Continued speakers were: Joe Garcia, and Jim Christian, Owner, Dave Christian Construction, 2233 S. Minnewawa, support for the ordinance; Tom Estes, 34 E. Garland, President, Building Trades Council, opposed to the ordinance, who urged it be tabled one year to allow both parties to meet and come together on the issue; and Larry Fitch, 2329 N. Dolores, opposed to the ordinance, who urged Council to keep PLA's as a tool in case they ever needed to be used.

Councilmember Quintero stated he felt there was still room for both parties to compromise and made a motion to table the ordinance for one year, which motion was seconded by Councilmember Ronquillo.

(7 - 0). Upon question of Councilmember Perea, Ms. Montoy stated based on the limited amount of time she had to review the entire matter, her best professional answer was the ordinance was legal. Councilmember Perea stated the position taken last week to introduce the ordinance was short sided and it should have been tabled at that time as he felt people were ready to talk, and stated a one year table period was not needed and questioned how much time the City Attorney needed to sort out legal issues, with Ms. Montoy stating 2-3 weeks would suffice.

A motion of Councilmember Quintero, seconded by Councilmember Ronquillo, to table the ordinance for one year failed, by the following vote:

Ayes	:	Quintero, Ronquillo, Boyajian
Noes	:	Bredefeld, Mathys, Perea, Steitz
Absent	:	None

Councilmember Steitz made a motion to adopt the ordinance; stressed the ordinance was constitutional and reiterated contractors could still enter into PLA's; clarified by adopting the ordinance Council would be making a policy decision by stating the City would not require PLA's; and concluded stressing the City needed to be as competitive as possible when dealing with taxpayer money and this was not an issue of union or non-union.

Councilmember Ronquillo commented briefly on jobs, projects and economic spinoffs; stated everyone needed to come together on what was best for the City; stated a "no" vote would simply mean the City would go back to the way they normally did things and PLA's would be kept as a tool which, to date, had not been used; noted he still had not received an answer relative to forced retirement payments and explained, and stated he could not support the ordinance as the issue of PLA's was moving too fast.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-11 adopted as Ordinance No. 2000-18, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz
Noes	:	Quintero, Ronquillo, Boyajian
Absent	:	None

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There being no further business to bring before the Council, the hour of 5:13 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

DATED this _____ day of _____ 2000.

Tom Boyajian, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk